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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

LVRC HOLDINGS, LLC, a Nevada  
Corporation,

Plaintiff,

v.

CHRISTOPHER BREKKA, an individual;  
CAROLYN QUAIN, an individual;  
EMPLOYEE BUSINESS SOLUTIONS,  
INC., a Nevada Corporation; EMPLOYEE  
BUSINESS SOLUTIONS, INC., a Florida  
corporation and DOES I through X,

Defendants.

CHRISTOPHER BREKKA, an individual,  
CAROLYN QUAIN, an individual,  
EMPLOYEE BUSINESS SOLUTIONS,  
INC., a Nevada Corporation, EMPLOYEE  
BUSINESS SOLUTIONS, INC., a Florida  
corporation,

Defendants/Third Party Complainants,

v.

STUART P. SMITH, an individual,

Third Party Defendant.

Case No. CV-S-05-1026-KJD-GWF

**DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

1 Pursuant to Rule 56(e) of the Federal Rules of Civil Procedure, defendant Fred Meyer,  
2 Inc., by and through its undersigned counsel, hereby files the following Motion for Summary  
3 Judgment.

4 Defendants are entitled to judgment as a matter of law on LVRC's claims because there is  
5 insufficient evidence in the record to support LVRC's claim that defendants accessed Load's  
6 computer system without authorization on November 19, 2004.

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8 Defendants are also entitled to a ruling that LVRC may not present evidence of its  
9 damages. The parties entered into a Stipulation barring Plaintiff from using information derived  
10 from its financial records. Plaintiff's damages are necessarily derived from its financial records,  
11 and plaintiff is barred from presenting that evidence. The grounds for this Motion are more fully  
12 explained in the supporting memorandum filed herewith. Defendants hereby move the Court for  
13 an order summarily dismissing plaintiff's claims against it as a matter of law, or alternatively, for  
14 an order prohibiting plaintiff introducing evidence on its damages.  
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1 Dated: August 31, 2006

Respectfully submitted,

2 PARSONS BEHLE & LATIMER

3  
4 By: /s/ Norman H. Kirshman

Norman H. Kirshman

Robert L. Rosenthal

Shelley L. Lanzkowsky

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of August, 2006 , I caused the following to be served via the Court's CM/ECF system, a true and correct copy of the foregoing "**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**" to:

Wade B. Gochmour, Esq.  
Haney Woloson & Mullins  
1117 South Rancho Drive  
Las Vegas, Nevada 89102

/s/ Stefan Brutsch

Employee of Parsons Behle & Latimer